

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: OCTOBER 8, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-32534 - APPLICANT/OWNER: MFE, INC.**

**** CONDITIONS ******STAFF RECOMMENDATION:** **APPROVAL**, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0076-98), Site Development Plan Review [Z-0076-98(20)], Special Use Permits (SUP-5894, SUP-10422 and SUP-10423) and Site Development Plan Review (SDR-5893) shall be required, except as amended herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, date stamped 08/17/09 as well as the landscape plan, and building elevations, date stamped 08/07/09, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

SDR-32534 - Conditions Page Two
October 8, 2009 - Planning Commission

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. All additional rights-of-way required by Standard Drawing #234.3 for a bus stop shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in an approved Traffic Impact Analysis.
14. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards and Town Center Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

SDR-32534 - Conditions Page Three
October 8, 2009 - Planning Commission

16. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
18. Unless otherwise authorized by the City Engineer, grant an appropriate Multi-use Transportation Trail easement overlying the existing trail alignments prior to the issuance of any permits for this site. Alternatively, provide proof of an existing grant of easement for the trail.
19. Site development to comply with all applicable conditions of approval for Z-76-98(20), the Montecito East Commercial Subdivision and all other applicable site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-5893) for a proposed 3,334 square-foot Convenience Store with Fuel Pumps and 1,665 square feet of retail lease space where a 3,500 square-foot Convenience Store with Fuel Pumps was previously approved on 1.12 acres at the southwest corner of Tenaya Way and Azure Drive. This request will increase building area and required parking. If this application is denied, site development must comply with the previously approved Site Development Plan Review (SDR-5893).

The proposed Convenience Store with Fuel Pumps is compatible with the General Plan and Title 19, as well as adjacent development in the area; therefore, staff is recommending approval of this Site Development Plan Review request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|--|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) as part of a larger request to T-C (Town Center) on 1,468 acres. The Planning Commission recommended approval. Staff recommended approval. |
| 04/04/01 | The City Council approved a Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square-foot commercial development on 14.16 acres on the northwest side of Tenaya Way and Azure Drive, and a 110,000 square-foot commercial development on 16.66 acres on the southwest side of Tenaya Way and Azure Drive. |
| 06/18/03 | The City Council approved a request for an Extension of Time (EOT-2152) of an approved Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square-foot commercial development on 14.16 acres located adjacent to the northwest corner of the intersection of Tenaya Way and Azure Drive, and for a proposed 110,000 square-foot commercial development on 16.66 acres located on the southwest side of Tenaya Way and Azure Drive. Planning Commission recommended approval. |
| 03/17/04 | The City Council approved a Major Modification (MOD-3652) to the Town Center Development Standards to allow Auto Parts (New and Rebuilt) (Accessory Sales and Service) as a permitted use in the SX-TC (Suburban Mixed Use - Town Center) district with the approval of a Special Use Permit and Conditions of Approval. Planning Commission recommended approval. |

SDR-32534 - Staff Report Page Two
October 8, 2009 - Planning Commission

| | |
|----------------------|---|
| 01/08/04 | The Planning Commission approved a Master Sign Plan (DIR-3572) for an approved retail center on 14.16 acres adjacent to the northwest corner of Tenaya Way and Azure Drive, and on 16.66 acres on the southwest side of Tenaya Way and Azure Drive. Planning Commission recommended approval. |
| 04/06/05 | The City Council approved a request for a Review of Condition (ROC-6074) for Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], which prohibited certain uses, to eliminate the condition entirely for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive. |
| 01/18/06 | The City Council approved requests for a Site Development Plan Review (SDR-5893) for a 3,500 square-foot convenience store with fuel pumps with Waivers of the 70% glazing restriction and a separation distance of zero feet where a 330-foot separation distance from residential uses is required, and a Special Use Permit (SUP-5894) for a proposed convenience store with fuel pumps on 1.43 acres at the southwest corner of Tenaya Way and Azure Drive. Planning Commission recommended approval. |
| 01/18/06 | The City Council approved requests for Special Use Permits (SUP-10422 and SUP-10423) for a proposed liquor establishment [on-off-sale (beer wine cooler only)] and for a proposed restricted gaming use within a proposed convenience store at the southwest corner of Tenaya Way and Azure Drive. Planning Commission recommended approval. |
| 03/05/08 | The City Council approved requests for Extension of Time (EOT-26432 thru 26435) for an approved Site Development Plan Review (SDR-5893) for a 3,500 square-foot convenience store with fuel pumps and Waivers of the 70% glazing restriction and a separation distance of zero feet where a 330-foot separation distance from residential uses is required, and Special Use Permits (SUP-5894, SUP-10422 and SUP-10423) for a proposed convenience store with fuel pumps, a proposed liquor establishment [on-off-sale (beer wine cooler only)] and for a proposed restricted gaming use within a proposed convenience store at the southwest corner of Tenaya Way and Azure Drive. |
| 01/22/09 04/09/09 | At the applicant's request, the Planning Commission abeyed a request for a Major Amendment to an approved Site Development Plan Review (SDR-5893) for a proposed 3,600 square-foot Convenience Store with Fuel Pumps and 1,300 square feet of retail space with Waivers of the Town Center Commercial Development, Landscape and Streetscape standards where a 3,500 square-foot Convenience Store with Fuel Pumps was approved on 1.12 acres at the southwest corner of Tenaya Way and Azure Drive. |
| 07/09/09 | At the applicant's request, the Planning Commission tabled this request for a Major Amendment to an approved Site Development Plan Review (SDR-5893) for a proposed 3,600 square-foot Convenience Store with Fuel Pumps and 1,300 square feet of retail space with Waivers of the Town Center Commercial Development, Landscape and Streetscape standards where a 3,500 square-foot Convenience Store with Fuel Pumps was approved on 1.12 acres at the southwest corner of Tenaya Way and Azure Drive. |

SDR-32534 - Staff Report Page Three
October 8, 2009 - Planning Commission

| | |
|----------|---|
| 09/11/09 | At the applicant's request, the Planning Commission abeyed this request for a Major Amendment to an approved Site Development Plan Review (SDR-5893) for a proposed 3,600 square-foot Convenience Store with Fuel Pumps and 1,300 square feet of retail space with Waivers of the Town Center Commercial Development, Landscape and Streetscape standards where a 3,500 square-foot Convenience Store with Fuel Pumps was approved on 1.12 acres at the southwest corner of Tenaya Way and Azure Drive. |
|----------|---|

Related Building Permits/Business Licenses

There are no building permits or business licenses related to the subject site.

Pre-Application Meeting

| | |
|----------|--|
| 08/04/09 | A pre-application meeting was held to discuss the requirements for a Major Amendment to an approved Site Development Plan Review. Site conditions and previous Conditions of Approval were discussed, as well as current requirements for the proposed uses. |
|----------|--|

Neighborhood Meeting

A neighborhood meeting was neither required nor held for this request.

Field Check

| | |
|----------|--|
| 08/06/09 | A field check was conducted by staff. The site is vacant and undeveloped, with the exception of trails along the south and east perimeters, which are partially developed, and the Amenity Zone and sidewalk required for a Town Center Loop Road along Azure Drive. |
|----------|--|

Details of Application Request

Site Area

| | |
|-------------|------------|
| Gross Acres | 1.11 Acres |
|-------------|------------|

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---|-------------------------|--|
| Subject Property | Undeveloped (Approved for a Convenience Store by SDR-5893) | T-C (Town Center) | T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use designation] |
| North | Commercial Center | T-C (Town Center) | T-C (Town Center) Zone [GC-TC (General Commercial - Town Center) Special Land Use designation] |

SDR-32534 - Staff Report Page Four
October 8, 2009 - Planning Commission

| | | | |
|-------|--|--|--|
| South | Single-Family Residence | RS (RS - Residential Suburban) [Clark County] | R-E (Rural Estates Residential) [Clark County] |
| East | Undeveloped (Approved for a Professional Office Development by SDR-26008) | O (Office) | O (Office) |
| West | Undeveloped (Approved for a Restaurant by SDR-18344) | T-C (Town Center) | T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use designation] |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | | |
| T-C Town Center District | X | | Y |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| T-C (Town Center) District | X | | Y |
| Trails | X | | Y |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|------------------------|--------------------------------|------------------------|--------------------------|
| Min. Lot Size | N/A | 48,741 SF | Y |
| Min. Lot Width | N/A | 175 Feet | Y |
| Min. Setbacks | | | |
| • Front | 15 Feet | 20 Feet | Y |
| • Side | 10 Feet | 112 Feet | Y |
| • Corner | 15 Feet | 20 Feet | Y |
| • Rear | 20 Feet | 84 Feet | Y |
| Max. Lot Coverage | N/A | 10% | Y |
| Max. Building Height | 2 Stories | 1 Story | Y |

SDR-32534 - Staff Report Page Five
October 8, 2009 - Planning Commission

| | | | |
|-----------------|-------------------------------|-------------------------------|---|
| Trash Enclosure | Screened, Enclosed and Roofed | Screened, Enclosed and Roofed | Y |
| Mech. Equipment | Screened | Screened | Y |

| <i>Residential Adjacency Standards</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|--|-------------------------|-----------------|-------------------|
| 3:1 proximity slope setback | 91 Feet | 101 Feet | Y |
| Adjacent development matching setback | 10 Feet | 101 Feet | Y |
| Trash Enclosure | 50 Feet | 60 Feet | Y |

Pursuant to the Town Center Development Standards Manual, the following standards apply:

| <i>Landscaping and Open Space Standards</i> | | | | |
|---|-----------------------|--------------|-----------------|-------------------|
| <i>Standards</i> | <i>Required</i> | | <i>Provided</i> | <i>Compliance</i> |
| | <i>Ratio</i> | <i>Trees</i> | | |
| Parking Area | 1 Tree/6 Spaces | 5 Trees | 9 Trees | Y |
| Buffer: Min. Trees (south, east) | 1 Tree/20 Linear Feet | 14 Trees | 18 Trees | Y |
| Min. Zone Width | | | | |
| East | 15 Feet | | 20 Feet | Y |
| South | 30 Feet | | 30 Feet | Y |
| West | Zero Feet | | Zero Feet | Y* |
| North | 15 Feet | | 16 Feet | Y |
| Wall Height | 6 to 8 Feet | | Existing | Y |

**As approved by Site Development Plan Review (SDR-5893).*

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|---------------------|-------------------------------------|---------------|----------|--------------|----------|--------------|------------|
| Use | Gross Floor Area or Number of Units | Parking Ratio | Required | | Provided | | Compliance |
| | | | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Convenience Store | 3,334 SF | 1:175 | 19 | 1 | 19 | 1 | Y |
| General Retail | 1,665 SF | 1:175 | 9 | 1 | 7 | 1 | Y |
| SubTotal | | | 27 | 2 | 28 | 2 | Y |
| TOTAL | | | 29 | | 30 | | Y |
| Loading Spaces | 4,999 SF | 1:10,000 | 1 | | 1 | | Y |

SDR-32534 - Staff Report Page Six
October 8, 2009 - Planning Commission

| Site Development Plan Review (SDR-5893) Conditions of Approval | | |
|--|---|-------------------|
| Required Condition | Provided | Compliance |
| The applicant will provide a plaza with seating areas as required by the Master Site Development Plan Z-0076-98(20). | A plaza has been provided abutting the north side of the convenience store. | Y |
| A 10-foot multi-use meandering trail path is required along the west side of Tenaya Way per Z-0076-98(20) and the Trails Element of the Master Plan. | A 10-foot multi-use meandering path has been provided. | Y |
| A trash enclosure must be provided and comply with the 50-foot distance separation from any protected property as outlined by Title 19.08.060(G). | A trash enclosure is proposed south of the Convenience Store and is separated 60 feet from a protected property to the south. | Y |
| The landscape fingers in the parking lot must provide the appropriate number of trees and shrubs to meet City code. | The applicant is providing nine trees where five trees are required. | Y |

| | Previously Approved (SDR-5893) | Proposed |
|-------------------------|--|--|
| Size of Structure | 3,500 square foot Convenience Store with 4 Fuel Pumps | 3,334 square foot Convenience Store with 8 Fuel Pumps and a 1,665 square foot retail lease area. |
| Plaza | Outdoor Plaza area located along the west side of the Convenience Store. | Outdoor plaza area located along the North side of the Convenience Store. |
| Parking | 31 parking spaces provided where only 18 parking spaces are required. | 29 parking spaces provided where 29 parking spaces are required. |
| Loading Zone | Loading zone was approved to be located just south of the Convenience Store. | Loading zone has been proposed on the north side of the Convenience store just west of the propose patio area. |
| Trash Enclosure | Trash Enclosure was approved to be located just south of the Convenience Store. | Trash Enclosure located just south of the Convenience Store, 60 feet from a residentially zoned property to the south. |
| Parking Lot Landscaping | A Waiver was approved to allow two parking lot trees where four trees were required. | Nine parking lot trees are proposed where five are required, eliminating the need for a waiver |
| Elevations | Height – 24 Feet | Height – 31 Feet |

SDR-32534 - Staff Report Page Seven
October 8, 2009 - Planning Commission

| | | |
|------------------------|--|--|
| Landscape Buffer Width | North - 15 Feet South - 30 Feet East – 15 Feet West – Zero Feet | North - 16 Feet South - 30 Feet East – 20 Feet West – Zero Feet |
| Building Setbacks | North – 39 Feet South – 139 Feet East – 18 Feet West – 121 Feet | North – 20 Feet South – 84 Feet East – 20 Feet West – 112 Feet |

ANALYSIS

This request is for a Major Amendment to a Site Development Plan Review (SDR-5893) that approved a 3,500 square-foot Convenience Store with Fuel Pumps. As proposed, the convenience store will decrease to 3,334 square feet and an additional 1,665 square feet of retail lease space will be added. This increase in total building area, combined with the increase in required parking, has resulted in slight modifications from the previously approved Site Development Plan Review (SDR-5893).

The subject site was approved as part of an overall Master Site Development Plan Review [Z-0076-98(20)], and as a result, the required Town Center Amenity Zone and sidewalk have already been installed along Azure Drive and meets the requirements for a Town Center Loop Road (90'), as have the required Transportation Trails along the east and south perimeters.

The proposed site plan is very similar to the previously approved plan, with the building located along the east side of the site and parking and fuel pumps to the west. However, the required patio area as outlined by the Town Center Development Standards has been proposed along the north side of the convenience store instead of the west. The entire building area has been increased by 1,499 square feet. The addition of a 1,665 square foot retail lease area has resulted in the need to re-design the layout of the previously approved parking lot, including relocating the trash enclosure. The applicant intends to use the existing driveway to Azure Drive without any modifications.

The landscape plan indicates the use of plant material that is appropriate in size and type for the Town Center area, including 25-foot Mexican Fan Palms, 36-inch box size Rio Grande Ash, Chitalpa and Purple Robe Locust trees, and five-gallon shrubs including Coyote Brush, Dessert Cassia and New Gold Lantana.

SDR-32534 - Staff Report Page Eight
October 8, 2009 - Planning Commission

The landscape plan depicts a variety of trees along the trails located on the east and south perimeters of the site. The planting schemes indicated in these areas meet the minimum requirements of Conditions #7 and #14 of the Master Site Development Plan Review [Z-0076-98(20)]. Along the east perimeter, a Multi-Use Transportation Trail is required and provided, with minimum 24-inch box size deciduous shade trees at 20 feet on-center located in the Transition Strip at the back of curb. Along the south perimeter, a 30-foot trail corridor is required and provided, with a meandering 10-foot wide concrete pathway and two rows of minimum 24-inch box evergreen trees a maximum of 20-foot on center, staggered on each side of the pathway, with a minimum four (4), five-gallon shrubs per tree.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed Convenience Store with Fuel Pumps is compatible with adjacent development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed project is compatible with the General Plan and Title 19.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Access to the site is via driveways from Tenaya Way, designated as an 80-foot Secondary Collector south of Azure Drive by the Master Plan of Streets and Highways, and Azure Drive, designated as a Town Center (90') Loop Road by the Town Center Development Standards Manual. The access and roadway are adequate to meet the needs of the proposed development.

- 4. Building and landscape materials are appropriate for the area and for the City;**

Building materials are appropriate for the area and the city. The landscape materials are appropriate for the Town Center Master Plan area.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Building elevations and design characteristics are not unsightly or obnoxious in appearance and are harmonious and compatible with development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 132

APPROVALS 3

PROTESTS 7